



(2) Whether the Administrative Law Judge exceeded his jurisdiction in requiring the respondent and insurance carrier to proceed to the Benefit Review Conference in order to terminate temporary total disability compensation voluntarily commenced.

(3) Whether the Appeals Board has jurisdiction to hear this appeal.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon the evidence presented and for purpose of the preliminary hearing, the Appeals Board finds:

(1) K.S.A. 44-534a(a) grants an Administrative Law Judge the power to award temporary total disability compensation pending the conclusion of a full hearing on the claim. If temporary total disability compensation is awarded it may be ordered paid from the date of filing the application or, if the Administrative Law Judge finds from the evidence presented that there were one or more periods of temporary total disability prior to such filing date, temporary total disability compensation may be ordered paid for all periods of temporary total disability prior to such date of filing. See K.S.A. 44-534a(a)(2).

As the Administrative Law Judge is empowered and has the authority to provide temporary total disability compensation, the Appeals Board finds the Order of April 22, 1994, to be proper and within the power of the Administrative Law Judge.

(2)(3) The Appeals Board is limited in its right to entertain appeals of preliminary hearings. The provisions of K.S.A. 44-534a and K.S.A. 44-551 restrict same to specific issues, of which the authority to order or terminate temporary total disability is not one. The Appeals Board does not have jurisdiction to review the Administrative Law Judge's decision in this matter as he did not exceed his jurisdiction in this case.

### **AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge George R. Robertson, dated April 22, 1994, remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July, 1994.

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BOARD MEMBER

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- c:     Gerald O. Schultz, 302 Fleming, Suite 5, Garden City, KS 67846  
       Vincent A. Burnett, 300 West Douglas, Suite 500, Wichita, KS 67202-2909  
       George R. Robertson, Administrative Law Judge  
       George Gomez, Director